

states that the techniques of (784) inherently disclose the instant invention. This rejection is respectfully traversed. The filing Declarations in these applications is a statement indicating the inventorship of the individual claims. While they are related, the claimed inventions are not identical and the presence of inherent teachings or even actual teachings in the other cofiled application are proper as the applications have the same filing date and the Declarations themselves are indications by the inventors that they invented the claimed subject matter. The Examiner has provided no basis to suggest that the filing Declarations were not a true statement of inventorship. Therefore, it is respectfully requested that this rejection be reconsidered and withdrawn.

In paragraph 6 of the Office Action, claims 1-3, 7, 8, 10, 11, 17, and 18 stand rejected as anticipated by Fruit. Fruit is stated to disclose the same invention including engaging the first side of the sheet material with a crack initiator and engaging the sheet material with a cutter base. The Examiner states that the Fruit cutter engages the sheet material by moving the first cutter perpendicular to sheet material further propagating the first crack using a rake angle of the cutter base and thus disengaging the crack initiator. This rejection is respectfully traversed. In Fruit the only cutters are those indicated as 10 and 11. Nips 12 and 13 do not cut but merely lift the band to be cut such that the cutter edges 10 and 11 can reach the band. The tips 12 and 13 do not serve as crack initiators as they do no cutting. Therefore, it is respectfully requested that this rejection be reconsidered and withdrawn.

In paragraph 8 the Office Action, claims 5, 15 and 16 stand rejected under 35 USC 103 as being unpatentable over Fruit in view of Camp et al. The Examiner states that Fruit discloses an invention including the first crack initiator but fails to disclose the height is greater than a thickness of a protective coating on the first side is laminated web structure. Camp et al. is stated to teach that the height is greater than the thickness of a protective coating on the first side of the laminated web structure. The Examiner states it would therefore have been obvious to one of ordinary skill in the art to have provided Fruit with a first crack initiator that was a height greater than the thickness of the a protective coating. This rejection is respectfully traversed.

Fruit relates to a metal band cutter that does not have a crack initiator. Camp et al discloses a multilayer photographic material that may be cut

with a disk cutter having a high rake angle. There is no disclosure or suggestion in either reference of a crack initiator for cutting a multilayer sheet material. There is no suggestion to look in the band cutting art for cutting the sheet material with a circular blade much less with a crack initiator. Therefore, it is respectfully requested that this rejection be reconsidered and withdrawn.

In paragraph 9 of the Office Action in reply to the applicant's arguments, the Examiner urges that in nips 12 and 13 must enter the sheet material for the cutter to start cutting. The Examiner's attention is directed to column 2 lines 19-26 where it is clearly indicated that the nips pass below the band and lift it for the cutters. The nips do not have cutter edges as illustrated by the Figures and particularly in Figure 2 where the nip 12 and nip 13 are below the band. In particular, column 2 lines 24-26 of Fruit indicates that the nips 12 and 13 are both below the band. The nips 12 and 13 of Fruit clearly do contact the band except to pass below it and direct the band to the cutters 10 and 11.

Therefore, it is respectfully requested that the rejections under 35 USC 102 and 35 U.S.C. 103 and double patenting be reconsidered and withdrawn and that an early Notice Allowance be issued in this application.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.